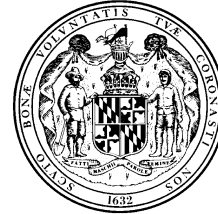


STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
WATER MANAGEMENT ADMINISTRATION
NONTIDAL WETLANDS AND WATERWAYS PERMIT

PERMIT NUMBER: **11-NT-0366/201161493**

EFFECTIVE DATE: May 7, 2012

EXPIRATION DATE: May 7, 2015



PERMITTEE: Washington Suburban Sanitary Commission
Attn: Mark Behe PE
14501 Sweitzer Lane
Laurel, Maryland 20707

IN ACCORDANCE WITH ENVIRONMENT ARTICLE §5-503(a) AND §5-906(b), ANNOTATED CODE OF MARYLAND (2007 REPLACEMENT VOLUME), COMAR 26.17.04 AND 26.23.01, AND 26.08.02 AND THE ATTACHED CONDITIONS, Washington Suburban Sanitary Commission ("PERMITTEE"), IS HEREBY AUTHORIZED BY THE WATER MANAGEMENT ADMINISTRATION ("ADMINISTRATION") TO CONDUCT A REGULATED ACTIVITY IN A NONTIDAL WETLAND, BUFFER, OR EXPANDED BUFFER, AND/OR TO CHANGE THE COURSE, CURRENT OR CROSS-SECTION OF WATERS OF THE STATE, IN ACCORDANCE WITH THE ATTACHED PLANS APPROVED BY THE ADMINISTRATION ON **May 4, 2012** ("APPROVED PLAN") AND PREPARED BY Washington Suburban Sanitary Commission AND INCORPORATED HEREIN, AS DESCRIBED BELOW:

The Washington Suburban Sanitary Commission will conduct extensive rehabilitation to its sewer infrastructure in Montgomery and Prince George's Counties. This project is necessary to comply with a Consent Decree that the WSSC entered into with the United States Environmental Protection Agency, the Maryland Department of Environment (MDE) and citizen groups. Permanent impacts are: 63,276 square feet (1.47 acre) of forested nontidal wetlands; 558 square feet of the nontidal forested vernal pool; 5,750 square feet (0.13 acres) of scrub-shrub nontidal wetlands; 10,303 square feet (0.24 acres) of the 25-foot forested nontidal wetlands buffer; and, 80,648 linear feet of stream. Temporary impacts include: 6,791,439 square feet (155.91 acre) of forested nontidal wetlands; 1,434,866 square feet (32.94 acre) of the 25-foot forested nontidal wetlands buffer; 31,434 linear feet of stream; and, 6,926,040 square feet (159.15 acres) of the 100-year floodplain. The service area encompasses approximately 1,000 square miles in Prince George's and Montgomery Counties, Maryland.

MD Grid Coordinates: 157923 x 408938

Amanda L. Sigillito, Chief
Nontidal Wetlands & Waterways Division

Attachments: Conditions of Permit

cc: MDE Compliance w/file
Imtiaz Choudhry, MDE Engineer
Vera Jaffe, U.S. Army Corps.
Ken Scarlatelli, Straughn Environmental

SPECIAL CONDITIONS

Submittal of Plans for Broad Creek Force Main: The Permittee shall, prior to commencement of activities authorized by this Permit, submit to the Administration for review and approval a modification request for the Broad Creek Force Main that includes Phase I and Phase II of the project. Two complete sets of final construction drawings for Phase I of the Broad Creek Force Main project shall be submitted to the Administration for review and approval before any work can commence in regulated areas. The plans shall include the limits of any nontidal wetlands, nontidal wetland buffers, and waters of the State (including the 100-year floodplain), limits of disturbance, "Best Management Practices", sequence of construction, and approved erosion and sediment control plans and stormwater management plans. The plans, after having been approved by the Administration, shall be forwarded to the Permittee to be incorporated as an attachment to this Permit.

Construction Phasing: No construction activities shall commence on Phase II of the Broad Creek Force Main project until the Administration has reviewed and approved two complete sets of final construction drawings for Phase II of the project. The plans shall include the limits of any nontidal wetlands, nontidal wetland buffers, and waters of the State (including the 100-year floodplain), limits of disturbance, "Best Management Practices", sequence of construction, and approved erosion and sediment control plans and stormwater management plans. The plans, after having been approved by the Administration, shall be forwarded to the Permittee to be incorporated as an attachment to this Permit.

Access: No work shall commence in areas that the Permittee has not acquired permission to access the property.

Modifications of the Permit: The project encompasses 22 individual sewer sheds in Montgomery and Prince George's Counties that will require approval by the Administration. The Permittee shall request modifications to **11-NT-0366/201161493** for each individual sewer shed listed: Beaverdam, Broad Creek, Cabin John, Dulles Interceptor, Horsepen (grouped with Western Branch), Little Falls, Lower Anacostia, Mattawoman, Monocacy Branch, Muddy Branch, Northeast Branch, Northwest Branch, Oxon Run, Paint Branch, Parkway, Patuxent Center, Piscataway Creek, Rock Creek, Rock Run, Seneca Creek, Sligo Creek, Watts Branch, Western Branch, and Patuxent North (grouped with Rock Creek).

GENERAL CONDITIONS

1. **Validity:** Permit is valid only for use by Permittee. Permit may be transferred only with prior written approval of the Administration. In the event of transfer, transferee agrees to comply with all terms and conditions of Permit.
2. **Initiation of Work, Modifications and Extension of Term:** Permittee shall initiate authorized activities with two (2) years of the Effective Date of this Permit or the Permit shall expire. Permittee may submit written requests to the Administration for (a) extension of the period for initiation of work, (b) modification of Permit, including the Approved Plan, or, (c) not later than 45 days prior to Expiration Date, an extension of the term. Requests for modification shall be in accordance with applicable regulations and shall state reasons for changes, and shall indicate the impacts on nontidal wetlands, streams, and the floodplain, as applicable. The Administration may grant a request at its sole discretion.
3. **Responsibility and Compliance:** Permittee is fully responsible for all work performed and activities authorized by this Permit shall be performed in compliance with this Permit and Approved Plan. Permittee agrees that a copy of the Permit and Approved Plan shall be kept at the construction site and provided to its employees, agents and contractors. A person (including Permittee, its employees, agents or contractors) who violates or fails to comply with the terms and conditions of this Permit, Approved Plan or an administrative order may be subject to penalties in accordance with §5-514 and §5-911, Department of the Environment Article, Annotated Code of Maryland (2007 Replacement Volume).
4. **Failure to Comply:** If Permittee, its employees, agents or contractors fail to comply with this Permit or Approved Plan, the Administration may, in its discretion, issue an administrative order requiring Permittee, its employees, agents and contractors to cease and desist any activities which violate this Permit, or the Administration may take any other enforcement action available to it by law, including filing civil or criminal charges.
5. **Suspension or Revocation:** Permit may be suspended or revoked by the Administration, after notice of opportunity for a hearing, if Permittee: (a) submits false or inaccurate information in Permit application or subsequently required submittals; (b) deviates from the Approved Plan, specifications, terms and conditions; (c) violates, or is about to violate terms and conditions of this Permit; (d) violates, or is about to violate, any regulation promulgated pursuant to Title 5, Department of the Environment Article, Annotated Code of Maryland as amended; (e) fails to allow authorized representatives of the Administration to enter the site of authorized activities at any reasonable time to conduct inspections and evaluations; (f) fails to comply with the requirements of an administrative action or order issued by the Administration; or (g) does not have

vested rights under this Permit and new information, changes in site conditions, or amended regulatory requirements necessitate revocation or suspension.

6. **Other Approvals:** Permit does not authorize any injury to private property, any invasion of rights, or any infringement of federal, State or local laws or regulations, nor does it obviate the need to obtain required authorizations or approvals from other State, federal or local agencies as required by law.
7. **Site Access:** Permittee shall allow authorized representatives of the Administration access to the site of authorized activities during normal business hours to conduct inspections and evaluations necessary to assure compliance with this Authorization. Permittee shall provide necessary assistance to effectively and safely conduct such inspections and evaluations.
8. **Inspection Notification:** Permittee shall notify the Administration's Compliance Program at least five (5) days before starting authorized activities and five (5) days after completion. For Allegany, Garrett, and Washington counties, Permittee shall call 301-689-1480. For Carroll, Frederick, Howard, Montgomery, and Prince George's counties, Permittee shall call 301-665-2850. For Baltimore City, Anne Arundel, Baltimore, Calvert, Charles, and St. Mary's, Permittee shall call 410-537-3510. For Caroline, Cecil, Dorchester, Harford, Kent, Queen Anne's, Somerset, Talbot, Wicomico and Worcester, Permittee shall call 410-901-4020. If Permit is for a project that is part of a mining site, please contact the Land Management Administration's Mining Program at 410-537-3557 at least five (5) days before starting authorized activities and five (5) days after completion.
9. **Sediment Control:** Permittee shall obtain approval from the Prince George's Soil Conservation District for a grading and sediment control plan specifying soil erosion control measures. The approved grading and sediment control plan shall be included in the Approved Plan, and shall be available at the construction site.
10. **Federally Mandated State Authorizations:**
 - X Water Quality Certification:** Water Quality Certification is granted for this project provided that all work is performed in accordance with the authorized project description and associated conditions.
 - X Coastal Zone Consistency:** This Permit constitutes official notification that authorized activities are consistent with the Maryland Coastal Zone Management Program, as required by Section 307 of the Federal Coastal Zone Management Act of 1972, as amended. Activities within the following counties are not subject to this requirement: Allegany, Carroll, Frederick, Garrett, Howard, Montgomery, and Washington.
11. **Best Management Practices During Construction:** Permittee, its employees, agents and contractors shall conduct authorized activities in a manner consistent with the Best Management Practices specified by the Administration.
12. **Disposal of Excess:** Unless otherwise shown on the Approved Plan, all excess fill, spoil material, debris, and construction material shall be disposed of outside of nontidal wetlands, nontidal wetlands buffers, and the 100-year floodplain, and in a location and manner which does not adversely impact surface or subsurface water flow into or out of nontidal wetlands.
13. **Temporary Staging Areas:** Temporary construction trailers or structures, staging areas and stockpiles shall not be located within nontidal wetlands, nontidal wetlands buffers, or the 100-year floodplain unless specifically included on the Approved Plan.
14. **Temporary Stream Access Crossings:** Temporary stream access crossings shall not be constructed or utilized unless shown on the Approved Plan. If temporary stream access crossings are determined necessary prior to initiation of work or at any time during construction, Permittee, its employees, agents or contractors shall submit a written request to the Administration and secure the necessary permits or approvals for such crossings before installation of the crossings. Temporary stream access crossings shall be removed and the disturbance stabilized prior to completion of authorized activity or within one (1) year of installation.
15. **Discharge:** Runoff or accumulated water containing sediment or other suspended materials shall not be discharged into waters of the State unless treated by an approved sediment control device or structure.
16. **Instream Construction Prohibition:** To protect important aquatic species, motor driven construction equipment shall not be allowed within stream channels unless on authorized ford crossings. Activities within stream channels are prohibited as determined by the classification of the stream (COMAR 26.08.02.08): Various Waterways will be impacted by this permit; in-stream work may not be permitted during certain periods during the year. Any waterway restrictions will be based on the individual permit modifications submitted for review by the Department.
17. **Instream Blasting:** Permittee shall obtain prior written approval from the Administration before blasting or using explosives in the stream channel.

18. **Minimum Disturbance:** Any disturbance of stream banks, channel bottom, wetlands, and wetlands buffer authorized by Permit or Approved Plan shall be the minimum necessary to conduct permitted activities. All disturbed areas shall be stabilized vegetatively no later than seven (7) days after construction is completed or in accordance with the approved grading or sediment and erosion control plan.
19. **Restoration of Construction Site:** Permittee shall restore the construction site upon completion of authorized activities. Undercutting, meandering or degradation of the stream banks or channel bottom, any deposition of sediment or other materials, and any alteration of wetland vegetation, soils, or hydrology, resulting directly or indirectly from construction or authorized activities, shall be corrected by Permittee as directed by the Administration.
20. **Mitigation:** Permittee shall mitigate for the Broad Creek Force Main impacts including 558 square feet nontidal forested vernal pool, vegetative conversion of 5,750 square feet scrub shrub to emergent wetland, and vegetative conversion of 53,344 square feet forested nontidal wetlands to emergent wetlands by creating the equivalent of at least 60,768 square feet forested wetland, in accordance with an approved Phase I conceptual mitigation plan, as may be modified by a Phase II Mitigation Plan approved by the Administration pursuant to COMAR 26.23.04. Permittee shall also mitigate for the remaining 10,379 square feet permanent nontidal wetland conversion impact associated with the proposed stream stabilization. The Department must approve the Phase I mitigation plan for these remaining impacts prior to approving the finalized design plans and prior to impacts commencing. A Phase II mitigation plan shall be submitted to the Administration no later than 90 days after the issuance of this Permit. The approved Phase II Mitigation Plan shall govern in the event of discrepancy with the mitigation requirements in the Permit. The permittee shall successfully construct the mitigation site and meet project standards according to the approved Phase II Mitigation Plan and COMAR 26.23.04 in advance or concurrently with the activities authorized in this permit. The mitigation bond will be due in advance of commencing activities authorized in this permit. If the original permittee or authorized person, as stated in the authorization, changes, they must notify the Mitigation and Technical Assistance Section. If the mitigation obligation has not yet been completed to the Department's satisfaction (through payment into an approved mitigation bank, payment into the Compensation Fund, or termination of mitigation monitoring by the Department), and the permittee or authorized person listed on the authorization transfers responsibility for the mitigation obligation to another party, the permittee or authorized person listed on the authorization must notify the Mitigation and Technical Assistance Section.

U.S. ARMY CORPS OF ENGINEERS AUTHORIZATION

The U.S. Army Corps of Engineers has reviewed this activity and has determined that it will require an Individual Permit. The U.S. Army Corps of Engineers will forward a copy of their permit directly to the Permittee.